

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



July 28, 2011

Ronald L. Espalin, P.E., Building Official  
City of Banning  
99 E. Ramsey Street, P.O. Box 998  
Banning, CA 92220-0998

Dear Mr. Espalin:

This letter is to acknowledge receipt on July 11, 2011 of the City of Banning submittal pertaining to Ordinance No. 1433 and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read 'Enrique M. Rodriguez'.

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



# City of Banning

99 E. Ramsey Street • P.O. Box 998 • Banning, CA 92220-0998 • (951) 922-3125 • Fax (951) 922-3128

COMMUNITY DEVELOPMENT  
DEPARTMENT

July 7, 2011

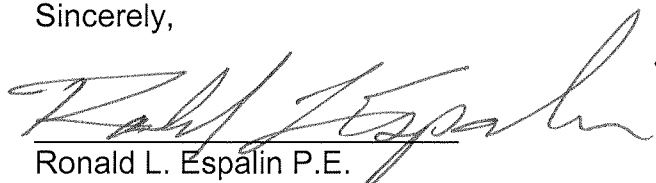
California Building Standards Commission  
2525 Natomas Park Dr., Suite 130  
Sacramento, CA 95833-2936

Subject: Building Codes

Transmitted herewith is Ordinance No. 1433, adopting the 2010 Editions of the California Building Codes.

If other documentation of additional information is needed, please contact me at the address shown or call me at 951 922-3122.

Sincerely,

  
Ronald L. Espalin P.E.  
Building Official

RECEIVED  
2011 JUL 11 P 1:25  
CALIFORNIA BUILDING  
STANDARDS COMMISSION

## **ORDINANCE NO. 1433**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, AMENDING CHAPTER 15.08 OF THE BANNING MUNICIPAL CODE BY ADOPTING BY REFERENCE THE ENTIRETY OF THE LATEST CALIFORNIA BUILDING CODE, RESIDENTIAL CODE, GREEN BUILDING STANDARDS CODE, PLUMBING CODE, MECHANICAL CODE, ELECTRICAL CODE, AND INTERNATIONAL PROPERTY MAINTENANCE CODE, ALL AS RELATIVE TO CONSTRUCTION CODES**

**WHEREAS**, the State's Health and Safety Code Section 17958 mandates that the California Building Standards Commission adopt and publish the California Building Standards Code (Title 24 California Code of Regulations) every three (3) years; and

**WHEREAS**, the State's Health and Safety Code requires local governments to adopt the most recent editions of the model codes related to construction.

**WHEREAS**, the construction codes include the California Building, Residential, Green Building Standards, Plumbing, Mechanical, and Electrical Codes.

**WHEREAS**, the adoption of the Ordinance related to construction codes is consistent with California Government Code Title 5, Division 1, Part 1, as published by the Building Standards Bulletin 09-02.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BANNING, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:**

#### **SECTION 1. ADOPTION**

Chapter 15.08 of the Banning Municipal Code relating to "Adoption of Uniform Codes" is hereby amended by deleting the existing Chapter 15.08 in its entirety and adopting a new Chapter 15.08 to read as follows in its entirety:

"Chapter 15.08 Construction Codes

Sections:

15.08.010 Incorporation by Reference.

15.08.020 Interpretation of the Banning Municipal Code and Zoning Code with regard to references to the amended Construction Codes

15.08.030 Additional Penalties

15.08.010      Incorporation by Reference.

A.      Except as otherwise provided in this chapter for the purposes of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of building and structures, the following construction codes are hereby adopted as “Chapter 15.08, Construction Codes,” and all appendices, tables, and indices thereto, as the same existed on December 14, 2010, are hereby adopted by reference and incorporated as if fully set out herein, and the provisions thereof shall be controlling within the limits of the city.

1.      California Building Code, 2010 Edition, including Chapter 1 Division II, based on the 2009 International Building Code as published by the International Code Council;
2.      California Residential Code, 2010 Edition, based on the 2009 International Residential Code as published by the International Code Council;
3.      California Green Building Standards Code, 2010 Edition;
4.      California Plumbing Code, 2010 Edition, based on the 2009 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials;
5.      California Mechanical Code, 2010 Edition, based on the 2009 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials;
6.      California Electrical Code, 2010 Edition, based on the 2008 National Electrical Code as published by the National Fire Protection Association;
7.      International Property Maintenance Code, 2006 Edition, as published by the International Code Council; the Uniform Code For The Abatement of Dangerous Buildings, 1997 Edition, as published by the International Code Council.

B.      One copy of the Construction Codes, described in this Section, has been deposited in the office of the city clerk and shall be at all times maintained by the city clerk for use and examination by the public.

15.08.020      Interpretation of the Banning Municipal Code and Zoning Code with regard to references to the amended Construction Codes

For the purposes of interpreting the adopted Construction Codes in the Banning Municipal Code and Zoning Code, references to the Uniform Building Code shall be replaced with the latest adopted California Building Code, if any.

#### 15.08.030 Additional Penalties

In addition to those penalty provisions adopted by reference from those codes listed in Section 15.08.010, the following penalties shall also apply:

It shall be unlawful for any person, firm, corporation or association of persons to violate any provision of this ordinance, or to violate the provisions of any permit granted pursuant to this ordinance. Any person, firm, corporation or association of persons violating any provisions of this ordinance or the provisions of any permit granted pursuant to this ordinance, shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person or entity shall be deemed guilty of separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance or the provisions of any permit granted pursuant to this ordinance, is committed, continued, or permitted.

Any person, firm, corporation or association of persons so convicted shall be: (1) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a first violation; (2) guilty of an infraction offense and punishable by a fine not exceeding three hundred dollars (\$300.00) for a second violation on the same site. The third and any additional violations on the same site shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six months in jail, or both. Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve a person or entity from the responsibility for correcting the violation.”

#### **SECTION 2. FINDINGS**

The City of Banning is not making any amendments to the California Building Codes; therefore, the findings are not required per the California Government Code Section 17958.7.

#### **SECTION 3. PENALTIES ADOPTED BY REFERENCE**

Violation of or failure to comply with any of the provisions of Chapter 15.08, Construction Codes shall be subject to those penalty provisions set forth in Attachment “A” hereto. These penalty provisions are so set forth herein to meet the requirements of Government Code Section 50022.4; such penalty provisions are also adopted by reference pursuant to Section 1 without any revisions (unless otherwise specified above) and, therefore, such penalty provisions as printed in Attachment “A” need not be codified in the Banning Municipal Code.

#### **SECTION 4. SEVERABILITY**

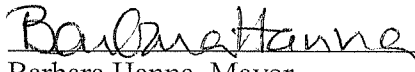
If any section, subsection, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portions thereof,

irrespective of the fact that any one or more sections, subsections, subdivisions, sentences clauses, phrases or portions thereof be declared invalid or unconstitutional.

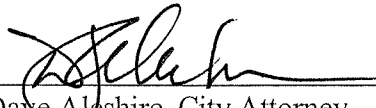
**SECTION 5. EFFECTIVE DATE**

This Ordinance shall be in full force and effective 30 days after its passage.

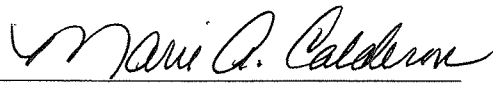
**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the City Council of the City of Banning, California, this 11<sup>th</sup> day of January, 2011.

  
Barbara Hanna, Mayor  
City of Banning


**APPROVED AS TO FORM  
AND LEGAL CONTENT:**

  
Dave Aleshire, City Attorney  
Aleshire & Wynder, LLP

**ATTEST:**

  
Marie A. Calderon, City Clerk  
City of Banning

CERTIFIED TO BE A TRUE AND CORRECT  
COPY OF THE ORIGINAL DOCUMENT ON  
FILE IN THE OFFICE OF THE CITY CLERK.

BY   
TITLE City Clerk  
DATE 1-17-11

**CERTIFICATION:**

I, Marie A. Calderon, City Clerk of the City of Banning, California, do hereby certify that Ordinance No. 1433 was duly introduced at a regular meeting of the City Council of the City of Banning, held on the 14<sup>th</sup> day of December, 2010, and was duly adopted at a regular meeting of said City Council on the 11<sup>th</sup> day of January, 2011, by the following vote, to wit:

AYES: Councilmembers Botts, Franklin, Machisic, Robinson, Mayor Hanna

NOES: None

ABSENT: None

ABSTAIN: None

A handwritten signature in black ink, reading "Marie A. Calderon", written over a horizontal line.

Marie A. Calderon, City Clerk  
City of Banning, California

## ATTACHMENT “A”

**Penalties.** In addition to the penalty provision provided in Section 15.08.030 of this chapter, the following penalty provisions are incorporated by reference into Chapter 15.08, but will not be expressly stated therein:

**California Building Code Section 114.1 - Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

**California Building Code Section 114.2 - Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**California Building Code Section 114.3 - Prosecution of violation.** If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**California Building Code Section 114.4 - Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

**California Residential Code – R113.3 Prosecution of violation.** If the notice of violation is not complied with in the time prescribed by such notice, the *building official* is authorized to request the legal counsel of the *jurisdiction* to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**California Residential Code - R113.4 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the *approved construction documents* or directive of the *building official*, or of



a *permit* or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

**California Residential Code - R114.2 Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

**California Plumbing Code Section 102.3.1 - Violations.** It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, or maintain any plumbing or permit the same to be done in violation of this code.

**California Plumbing Code Section 102.3.2 - Penalties.** Any person, firm, or corporation violating any provision of this code shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine and/or imprisonment set forth by the governing laws of the jurisdiction. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense.

**California Plumbing Code – Section 1327.12 Corrections.** Notices of correction or violation shall be written by the Authority Having Jurisdiction and posted at the site of the work, mailed or delivered to the permittee or an authorized representative. Refusal or failure to comply with any such notice or order within ten (10) days of receipt thereof shall be considered a violation of this code, and shall be subject to the penalties set forth elsewhere in this code for violations.

**California Mechanical Code Section 111.0 - Violations.** It shall be unlawful for a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, or maintain mechanical systems or equipment or cause or permit the same to be done in violation of this code.

**International Property Maintenance Code Section 106.4 – Violation Penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**International Property Maintenance Code Section 106.5 – Abatement of Violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.